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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,081	11/15/2001	Chien-Yi Shih	VIAP0021USA	7604

27765 7590 05/19/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

CHASE, SHELLY A

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,081

Applicant(s)

SHIH ET AL.

Examiner

Shelly A Chase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 to 18 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119, which papers have been placed of record in the file.

Specification

3. The disclosure is objected to because of the following informalities: change "header signal 26" to --- header signal 24 --- recited in par. 0008, line 10.

Appropriate correction is required.

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claims 1 to 18 are objected to because of the following informalities: the claims are replete with typographical and/or grammatical errors.

Appropriate correction is required.

6. Claims 8 and 17 are objected to because of the following informalities: please change "the guessing clock" recited on line 1 to --- the content of the guessing clock ---.

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Appropriate correction is required. Claim 17 has a similar problem.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 10 to 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, recites the limitation "the checking program" recited on line 6. There is insufficient antecedent basis for this limitation in the claim. Claims 11 to 18 are also rejected under 35 USC 112 second paragraph due to their dependency on a rejected base claim.

Allowable Subject Matter

9. Claims 1 to 9 are allowed.
10. Claims 10 to 18 would be allowable once the 112 second paragraph rejection is overcome.
11. The following is a statement of reasons for the indication of allowable subject matter: the instant invention teaches verifying a communication module whereby the original signal is retrieved after decoding the encoded original signal with a guessing clock code. The prior art made of record teaches a method for verifying a received packet by checking the data in the header utilizing a clock code; however the prior art

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made of record fails to teach or fairly suggest generating a guess clock code and decoding the coded signal utilizing the guess clock code as recited in the claims.

Specifically, the prior art made of record singly or in combination fails to teach or fairly suggest or render obvious a method or a device for testing a communication module comprising: generating a guessing clock code, dewhitening the output header signal into a second original header signal and a second check signal by a third decoding means with the guessing clock code as recited in independent claims 1 and 10. Claims 2 to 9 and 11 to 18 are directly or indirectly dependent on claims 1 and 10 thus, these claims are allowable over the prior art made of record.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Connor (USP 6543022 B1), discloses a method and an apparatus for checking the transferred data for corruption using an integrity check operation wherein a pseudo-random bit generator generates pseudo-random bits based on a received count signal ;

Walley (USP 5052026), discloses a bit synchronizer tracking an embedded clock signal for a burst communication system and,

Dr. Weis (Cell Alignment in ATM systems via header error check: performance evaluation, IEEE), teaches checking a packet header for errors using a bit clock for a parallel header check method or a serial header check method.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelly A Chase whose telephone number is 703-308-7246. The examiner can normally be reached on Mon-Thur from 8:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shelly A Chase